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HURRICANE DRIVES GULF SEAS OVER THE CITY OF GALVESTON

Awful Loss of Life Can Only be Estimated, but it Reaches Many Thousands.

Force of the Wind Wrecks the Most Substantial Buildings and Buries the Inmates —Bodies Dumped Into the Sea.

AUSTIN, Texas, Sept. 15.—Governor Sayers received the following official report as to conditions in Galveston:

"GALVESTON, Texas, Sept. 14.—HON. JOS. D. SAYERS, Governor.—After the fullest possible investigation here we feel justified in saying to you and through you to the American people that no such disaster has ever overtaken any community or section in the history of our country. The loss of life is appalling and never will be accurately determined. It is estimated at 3,000 to 8,000 people. There is not a home in Galveston that has not been injured while thousands have been destroyed. The property loss represents accumulations of sixty years and more millions than can be safely stated. Under these conditions with ten thousand people homeless and destitute, with the entire population under a stress and strain difficult to describe, we appeal in the hour of our great emergency to the sympathy and aid of mankind.

"WALTER JONES, Mayor.

"R. B. HAWLEY, Member Congress, Galveston District.

"McKIBBEN, Commander Dept. of Texas."

MEMPHIS, Tenn., Sept. 15.—The following telegram from Mayor Jones was received here today:

"GALVESTON, Texas, Sept. 14.—To THE ASSOCIATED PRESS, Memphis, Tenn.—I am in receipt of thousands of telegrams offering assistance and inquiring about absent friends and relatives. All of these have been promptly answered, but restricted communication has probably served to cause delay in transmission and delivery. The telegraph companies are doing all in their power to restore prompt communication with the outside world and have already partly succeeded and I am assured that within the next few days normal conditions with reference to telegraph communication will prevail. The situation in Galveston has been in most instances accurately reported and the distress of the people is great. Galveston and vicinity need at once the assistance of all the people. Remittances of money should be made to John Sealey, Treasurer Relief Committee, acknowledgment of which will be made in due course of time as promptly as conditions will permit.

"WALTER C. JONES, Mayor."

SITUATION IS RAPIDLY BECOMING BRIGHTER

GALVESTON, Texas, Sept. 15.—A

more hopeful feeling is observable everywhere and the situation is brightening rapidly. State Health Officer Dr. Blunt believes that there is no danger of an epidemic from the conditions resulting from the storm. The city board of health adopted a resolution voicing the same views. Emergency hospitals have been established in every ward for the treatment of the sick and wounded. The Ursuline convent has been converted into a great general hospital for the more serious cases, with a full corps of physicians and trained nurses. All public and private hospitals are filled to their capacity. Medical supplies are still much needed. Banks and other branches of business have resumed. Others are actively preparing to resume. Preparations for rebuilding have been going on in the business part of the city.

Telegraph and railroad lines are being rapidly restored. Acting in conjunction with the other roads, the Santa Fe is bending every energy toward the building of a temporary structure across the bay for the running of their trains into Galveston and to the wharves, which will probably be ready for the loading of vessels before the first train arrives. The wharves themselves withstood the buffeting of the awful storm to a remarkable degree and as soon as the piles of debris are removed, ships will be able to load and unload with but little inconvenience.

Loss Will Exceed 6,000.

The interment and cremation of human bodies and carcasses of animals is being vigorously prosecuted. It is conservatively estimated now that the loss of human life will exceed 6,000, with half that number wounded.

Of probably 1,000 living down the island, at least one-third were lost. There are 200 bodies on the beach between Mott place and the city limits. Eighteen people in this neighborhood got together and began burying the dead. They are out of provisions.

Bishop Gallagher of the Catholic diocese states that no member of the clergy or of the sisters in the city of Galveston were lost. The only losses of sisters were the ten at the orphanage, down the island, heretofore reported.

Daily papers and illustrated papers have been wild for photographs of the Galveston disaster. The town is under military law and the people are not in a mood to brook photographers. Three who ventured out had their instruments smashed and themselves pressed into service burying dead bodies.

Excellent Progress Made.

So much progress has been made toward the rehabilitation of Galveston and so harmoniously are the various forces working that General McKibben, who was ordered here to assist the authorities as soon as the storm disaster befell Galveston, has made arrangements to leave for Houston. The withdrawal of General McKibben is taken to mean that little is to be done here but to care for the distressed until normal business conditions have been resumed.

Associated Press dispatches quoting eastern financiers on the future of Galveston were read with much interest. The idea, however, that the status of the city will be changed finds no local adherents. The various railroads entering here have determined to assist the citizens of Galveston to the full extent of their ability in rebuilding the city.

Large gangs have been at work in the business district and splendid progress made in clearing away debris. The street car company has a large force of men at work cutting wires, removing obstructions and putting their track in condition. Adjutant General McCaleb announces that by tonight the water supply will be equal to every need and to perform the functions of modern sanitation.

The British steamer Iduna, in coming to quarantine, fouled an obstruction in the jetty channel and sustained slight injuries. It is supposed to be a mine casing carried into the channel when the torpedo station was destroyed.

As Galveston is still a deep water port, the harbor work will have to be repaired and the fortification rebuilt. This work will undoubtedly furnish employment for many of the people.

STORY OF THE DISASTER.

Detailed Narrative of AWFUL Calamity in Galveston.

HOUSTON, Tex., Sept. 10.—Richard Spillane, a well known Galveston newspaper man and day correspondent of the Associated Press in that city, who reached Houston today after a terrible experience, gives the following account of the disaster at Galveston:

One of the most awful tragedies of modern times has visited Galveston. The city is in ruins and the dead will probably number 1,000. I am just from the city, having been commissioned by the mayor and citizens' committee to get in touch with the outside world and appeal for help. When I left Galveston, shortly before noon yesterday, the people were organizing for the removal of the dead, distribution of food and all necessary work after a period of disaster.

City a Raging Sea.

The wreck of Galveston was brought about by a tempest so terrible that no words can adequately describe its intensity, and by a flood which turned the city into a raging sea. The weather bureau records show that the wind attained a velocity of 84 miles an hour, when the instrument blew away, so it is impossible to tell what was the maximum.

The storm began about 2 o'clock Sunday morning. Previous to that a great storm had been raging in the gulf and the tide was very high. The wind came from the north and was in direct opposition to the force from the gulf. While the storm in the gulf piled the water upon the beach side of the city the

north wind piled the water from the bay onto the bay part of the city.

About noon it became evident that the city was going to be visited with disaster. Hundreds of residences along the beach front were hurriedly abandoned, the families fleeing to dwellings in higher portions of the city. Every home was opened to the refugees. The wind was rising constantly and rain fell in torrents. The wind was so fierce that the rain cut like a knife.

The Waters Met.

By 2 o'clock the waters of the gulf and bay met, and by dark the entire city was submerged. The flooding of the electric light plant and the gas plant left the city in darkness. To go out into the streets was to court death. The wind was then at cyclonic velocity, roofs, chimneys, portions of buildings, telegraph poles and walls were falling, and the noise of the wind and the crashing of the buildings was terrific in the extreme. The wind and waters rose steadily from dark until 1:45 Sunday morning.

Night of Agony.

During all this time the people of Galveston were like rats in a trap. The highest portion of the city was four to five feet under water, while in the great majority of cases the streets were submerged to a depth of ten feet. To leave a house was to drown. To remain was to court death in the wreckage. Such a night of agony has seldom been equalled.

Without apparent reason the waters began to subside at 1:45 a. m. Within two minutes they had gone down two feet, and before daylight the streets were practically freed of the flood of waters. In the meantime the wind had veered to the southeast.

Horrible Sight.

Very few, if any, buildings escaped injury. There is hardly a habitable dry house in the city. When the people who had escaped death went out at daylight to view the work of the tempest and the floods, they saw the most horrible sight imaginable. In the three blocks from avenue N to avenue P, in Tremont street, I saw eight bodies. Four corpses were in one yard. The whole beach front of three blocks was stripped of every vestige of habitation, the dwellings, the great bathing establishments, the Olympia and every structure having been either carried out to sea or its ruins piled in a pyramid far into the town, according to the vagaries of the tempest.

Orphan's Home Collapsed.

The first hurried glance over the city showed that the largest structures, supposed to be the most substantially built, suffered the most. The Orphan's Home, Twenty-first and avenue M, fell like a house of cards. How many dead children and refugees are in the ruins could not be ascertained. Of the sick in St. Mary's Infirmary, together with the attendants, only eight are understood to have been saved. The Old Women's Home on Rosenberg avenue collapsed. The Rosenberg school house is a mass of wreckage. The Ball school is but an empty shell, crushed and broken. Every church in town, with possibly one or two exceptions, is in ruins. At the forts nearly all the soldiers are reported dead, they having been in temporary quarters which gave them no protection against the tempest or the flood.

Another Probable Horror.

No report has been received from the Catholic Orphan Asylum down the island, but it seems impossible that it could have withstood the hurricane. If it fell, all the inmates were without doubt lost, for there was no aid within a mile.

The bay front from end to end is in ruins. Nothing but piling and the wreck of great wharfs remain. Elevators lost all their upper works and their stocks are damaged by water. The life-saving station at Fort Point was carried away, the crew being swept across the bay, fourteen miles, to Texas City. I saw Captain Haines yesterday and he told me that his wife and one of his crew were drowned.

The shore at Texas City contains enough wreckage to rebuild a city. Eight persons who were swept across the bay during the storm were picked up there alive. There were three fatalities in Texas City.

Cemeteries Washed Out.

In addition to the living and the dead which the storm cast up at Texas City, caskets and coffins from one of the cemeteries in Galveston were being fished out of the water there yesterday. In the business portion of the city two large brick buildings, one occupied by Knapp Bros. and the other by the Cotton Exchange saloon, collapsed. In the Cotton Exchange saloon there were about fifteen persons. Most of them escaped.

The oil mills, the bagging factory, the gas works, the electric light works, and nearly all the industrial establishments of the city are either wrecked or crippled. The flood left a slime about an inch deep over the whole city, and unless fast progress is made in burying corpses and carcasses of animals, there is danger of a pestilence.

Miraculous Rescues.

Some of the stories of escapes are miraculous. William Niblett, a cotton man, was buried in the ruins of the Cotton Exchange saloon, and when found in the morning had no injury. Dr. S. O. Young, secretary of the Cotton Exchange, was knocked senseless when his house collapsed, but was revived by the water and was carried ten blocks by the hurricane. A woman who had just given birth to a child was carried from her home to a house a block distant, the men who were carrying her having to hold her high above their heads as the water was five feet deep when she was moved.

Many stories were current of houses falling and inmates escaping. Clarence N. Ousley, editor of the Evening Tribune, had his family and the children of two neighbors in his home when the tower crumbled and the upper part slipped down into the water. No one in the house was hurt.

Of the Lavine family six out of seven are reported dead. Of the Burnett family only one is known to have been saved. The family of Stanley G. Spencer, who met death in the Cotton Exchange saloon, is reported to be dead. The Mistro house, in the west end, was turned into a hospital. All of the regular hospitals of the city were unavailable.

Southern Pacific's Loss.

Of the new Southern Pacific work little remains but the piling. Half a million feet of lumber was carried away, and Engineer Hoesche says that as far as the company is concerned it might as well start over again.

Eight ocean steamers were torn from their moorings and stranded in the bay. The Kendall Castle was carried over the state from the thirty-third street wharf to Texas City, and lies in the wreckage of the Inman pier. The Norwegian steamer Gyller is stranded between Texas City and Virginia Point. An ocean liner was swirled through the west bay, crashing through the bay bridges and is now lying in shoal water near the wreckage of the railroad carried across Pelican Point and is stranded about ten miles up the east bay. The Mallory steamer Alamo was torn from her wharf and crashed upon Pelican Point and upon the bow of the British steamer Reed Cross, which had previously been hurled there. The stern of the Alamo is stove in and the bow of the Reed Cross is crushed.

Down the channel toward the jetties two other ocean steamers lie grounded. Some schooners, barges and small craft are strewn bottom side up along the piers. The tug Louis, of the Houston Direct Navigation Company, is also a wreck.

It will take a week to tabulate the dead and wounded and the missing, and get anything near an approximate idea of the money loss. It is safe to assume that one-half of the property of the city is wiped out and that one-half of the residents have to face absolute poverty.

The Ruin at Texas City.

At Texas City three of the residents were drowned. One man stepped into a well by a mischance and his corpse was found there. Two other men ventured along the bay front during the height of the storm and were killed. There are few buildings at Texas City that do not tell of the storm. The hotel is a complete ruin. The office of the Texas City company is also a complete ruin. Nothing seems left of the wharfs except the piling. The wreckage from Galveston litters the shore for miles, and is a hundred yards or more wide.

For ten miles inland from the shore is a common sight to see small craft such as steam launches, schooners and oyster boats.

The life-boat of the life-saving station was carried half a mile inland, while a vessel that was anchored in Moses bayou lies high and dry five miles up from Lamarque. The Galveston News asked to have it announced that all the members of its staff are safe.

WORK OF BURYING THE DEAD IS ENORMOUS.

Galveston, Texas, Sept. 11.—Mayor Walter C. Jones estimates the number of dead at 5,000, and he is conservative. Over 2000 bodies have already been taken out to sea or buried in trenches. Other hundreds are yet to be taken from the ruins. These bodies are now all badly decomposed, and are being buried in trenches where they are found. Others are being burned in the debris where it can be done with safety. There is little attempt at identification, and it is safe to say that there will never be a complete list of the dead.

The chief of police is in charge of the work of burying the dead. There are large bodies of men engaged in this work. Some of those whose bodies are being taken out were probably injured when they were first stricken down, but there was no getting relief to them and they perished miserably.

The remnant of the force of regular soldiers who were stationed here, and it is a very small remnant, have joined the police in patrolling the city. Several persons have already been shot. It is reported. A soldier of Captain Rafferty's battery, while patrolling the beach this morning, ordered a man to desist from looting. The fellow drew a weapon and the soldier shot him dead. The soldier was attacked by four other men, and he killed all of them. He had five cartridges in his rifle and each of them found a victim. Other men have also been shot, but the details are not known, nor can the exact number be ascertained. It is probable that thirty-five were killed. Some of them were killed for failing to halt when ordered to do so, others were shot for vandalism.

The ruins of the brick buildings have not yet been searched for the dead, and there is a large number in them. In the mass of rubbish which marks the site of Lucas Terrace Bridge House, forty or fifty people were killed and their bodies are buried in the ruins.

The orphan's home is totally demolished. Eighty-two children and eleven adults were current of houses

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PRESIDENT MCKINLEY'S LETTER OF ACCEPTANCE

Maintains That Chief Issue is Financial Question.

WILL BE A CAMPAIGN TEXT BOOK

RECORD OF HIS ADMINISTRATION SET BEFORE THE COUNTRY.

Regarding the Cry of Imperialism He Says the American Question is Between Duty and Desertion.

WASHINGTON, Sept. 9.—William McKinley's letter accepting the republican nomination for the presidency, which was made public tonight, will be the political text book of the republicans in the present campaign. Placing the monetary issue first, the president shows that the financial and industrial interests of the United States would be as much endangered by the election of Bryan this year as they would have been had he been elected in 1896. Mr. McKinley reviews with satisfaction the record of the republican party during the last four years and then takes up the issue of "imperialism," which the democrats have declared to be paramount. His answer to the democratic charges is a review of the action of the administration and congress regarding Cuba, Porto Rico and the Philippines, concluding with the declaration:

"The American question is between duty and desertion. The American verdict will be for duty and against desertion—for the republic against both anarchy and imperialism."

Following is the substance of the letter:

Executive Mansion, Washington, D. C., September 8.

To the Hon. Henry Cabot Lodge,

Chairman of Notification Committee.

My Dear Sir: The nomination of the republican national convention of June 19, 1900, for the office of president of the United States which as the official representatives of the convention you have conveyed to me, is accepted. I have carefully examined the platform adopted and give to it my hearty approval. Upon the great issue of the last national election it is clear. It upholds the gold standard and indorses the legislation of the present congress by which that standard has been officially strengthened. The stability of our national currency is therefore secured so long as those who adhere to the platform are kept in control of the government. Our antagonists, however, are not satisfied.

They compel us to a second battle upon the same lines on which the first was fought and won. While regretting the reopening of this question, which can only disturb the present satisfactory financial condition of the government and visit uncertainty upon our great business enterprise, we accept the issue and again invite the sound money forces to join in winning another, and we hope, a permanent triumph for an honest financial system, which will continue inviolable in the public faith.

Our industrial and agricultural conditions are more promising than they have been for many years; probably more so than they have ever been. Prosperity abounds everywhere throughout the republic.

Unless something unforeseen occurs to reduce our revenues or increase our expenditures, the congress at its next session should reduce taxation very materially.

In the unfortunate contest between Great Britain and the Boer states of South Africa the United States has maintained an attitude of neutrality in accordance with its well known traditional policy.

Need of Nicaragua Canal.

A subject of immediate importance to our country is the completion of a great waterway of commerce between the Atlantic and Pacific. The construction of a maritime canal is now more than ever indispensable to that intimate and ready communication between our eastern and western seaports demanded by the annexation of the Hawaiian islands and trade in the Pacific. Our national policy more imperatively than ever calls for its completion and control by this government, and it is believed that the next session of congress, after receiving the full report of the commission appointed under the act approved March 3, 1899, will make provisions for the sure accomplishment of this great work.

Combinations of capital which control the market in commodities necessary to the general use of the people by suppressing natural and ordinary competition thus enhancing prices to the general consumer, are obnoxious to the common law and the public welfare. They are dangerous conspiracies against the public good and should be made the subject for prohibitory or penal legislation.

The past three years have been more satisfactory to American workmen than many preceding years. Any changes of the present industrial or financial policy of the government would be disastrous to their highest interests. With prosperity at home and an increasing foreign market for American products employment should

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continue to wait upon labor, and, with the present gold standard, the workman is secured against payments for his labor in a depreciated currency.

Cuba and Porto Rico.

We have been in possession of Cuba since January 1, 1900. We have restored order and established domestic tranquility. We have fed the starving, clothed the naked and ministered to the sick. We have improved the sanitary condition of the island. We have stimulated industry, introduced public education and taken a full and comprehensive enumeration of the inhabitants. Our military establishment has been reduced from 43,000 soldiers to less than 6,000. An election has been ordered to be held on the 15th of September under a fair election law already tried in the municipal elections to choose members of a constitutional convention, and the convention by the same order is to assemble on the first Monday of November to frame a constitution upon which an independent government for the island will rest. All this is a long step in the fulfillment of our sacred guarantees to the people of Cuba.

We hold Porto Rico by the same title as the Philippines. The treaty of peace which ceded us the one conveyed to us the other. Congress has given to this island a government in which the inhabitants participate, elect their own legislature, enact their own local laws, provide their own system of taxation, and in these respects have the same power and privileges enjoyed by other territories belonging to the United States and a much larger measure of self-government than was given to the inhabitants of Louisiana under Jefferson. A district court of the United States for Porto Rico has been established and local courts have been inaugurated, all of which are in operation.

The Philippines.

For the sake of full and intelligent understanding of the Philippine question and to give to the public authentic information of the acts and aims of the administration, I present at some length the events of importance leading up to the present situation. The purposes of the executive are best revealed and can best be judged by what he has done and is doing.

In order to facilitate the most humane, pacific and effective extension of authority throughout these islands I appointed in January, 1899, a commission consisting of the Hon. Jacob Gould Schurmann of New York, Admiral Dewey, U. S. N.; Charles Denby of Indiana, Professor Dean C. Worcester of Michigan and Major General Elwell E. Otis, U. S. A.

After the most thorough study of the peoples of the archipelago the commission reported among other things: "Their lack of education and political experience, combined with their racial and linguistic diversities, disqualify them in spite of their mental gifts and domestic virtues to undertake the governing of the archipelago at the present time. Should our power by any fatality be withdrawn, the commission believes that the government of the Philippines would speedily lapse into anarchy, which would excuse if it did not necessitate the intervention of other powers and the eventual division of the islands among them. Only through American occupation, therefore, is the idea of a free, self-governing and united Philippine commonwealth at all conceivable."

In March, 1900, I appointed the following civil commissioners: The Hon. William Taft of Ohio, Professor Dean C. Worcester of Michigan, Hon. Luke I. Wright of Tennessee, Henry C. Ide of Vermont and Hon. Bernard Moses of California.

Report of Civil Commissioners.

This commission, under date of August 21, 1900, makes an interesting report, from which I quote the following extracts:

"Hostility against Americans originally aroused by absurd falsehoods of unscrupulous leaders. The distribution of troops in 300 posts has by contact largely dispelled hostilities and steadily improved the temper of the people. Nearly all of the prominent generals and politicians of the insurrection except Aguinaldo have since been captured or have surrendered and taken the oath of allegiance."

They report that there are "calls from all parts of the island for public schools, school supplies and English teachers, greater than the commission can provide, until a comprehensive school system is organized. Night schools for teaching English to adults are being established in response to popular demand. Native children show aptitude in learning English. Spanish is spoken by a small fraction of people and in a few years the medium of communication in the courts, public offices and between tribes will be English. Creation of central government within eighteen months, under which substantially all rights described in the bill of rights in the federal constitution are to be secured to the people of the Philippines, will bring to them contentment, prosperity, education and political enlightenment."

This shows to my countrymen what has been and what is being done to bring the benefits of liberty and good government to these wards of the nation.

And was it not our duty to protect the lives and property of those who came within our control by the fortunes of war? Could we have come away at any time between May 1, 1898, and the conclusion of peace without a stain upon our good name? Could we have come away without dishonor at

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CAPTAIN SPENCER IS PROMPTLY DISCHARGED

Laysan Island Shooting Case Thrown Out of Court.

NO JURY WOULD EVER CONVICT

SO HELD JUDGE WILCOX IN HIS FINAL DECISION IN THE CASE.

Order of Discharge is Heartily Applauded—The Old Captain Receives Congratulations—Japanese are Sullen.

Captain Spencer is a free man. After a careful investigation and after listening to the arguments of counsel, Magistrate Wilcox of the district court decided that it would be impossible to find a jury that would convict the captain of any crime in connection with the Laysan island shooting, and therefore discharged the aged sea captain. The argument began at 1:30 o'clock yesterday. Mr. Kinney opening.

Mr. Kinney demanded dismissal of the charge from the very beginning, and he made a rather extensive and able argument. It is not necessary, he said, that a man must be in actual danger when he shoots another. A man in an alley-way may suddenly draw a pistol on a man in sport, and if he is killed, guilt does not lie with the man who shoots. A man may shoot a burglar and be exonerated, yet be in no wise imperiled. If Captain Spencer believed that he was in danger he had the right to shoot. It was not even what he believed, but what he had a right to believe that counts.

Mr. Kinney said it was an express condition of the contract that the men should be entitled to rice only when they worked. If the men had been hungry, even which they were not, he would have had a legal right to refuse them until they did go to work. By the evidence of all the Japs, Spencer pulled his gun as the men came on the platform. He had warned them that only those whom he invited, three or four, should come on the platform. He did not shoot until other men got on the platform. All men understand the magic of a loaded revolver. Even the untutored and barbarous tribes of Africa respect a loaded gun. A man who moves in the face of one knows what to expect. Only a few were invited to the platform; before the shooting began nine, ten or twelve had mounted the platform. What do men mean that force their way in the face of a loaded revolver? You know what they mean.

I know the prosecution will claim that a man should retreat before going to extreme measures. Yes, but only when he can do so with safety. This man had his wife to think of as well as himself and the interests entrusted to him. Had he retreated those forty Japs would have run the captain down and probably no white man would have been left to tell the tale.

Another Jap, continued Kinney, testified that the white man pointed his revolver at four or five and then more men got on the platform. When the shooting occurred the witness was on the way up the platform and said that then some of the men were on the platform and some on the ground. When a man goes up against a loaded revolver he is out for blood.

Another Japanese testified that it was asked why only four or five could come and some one said all could come. "Boss said, 'You come and I will shoot.'" This witness said one-third went on the platform; he said there was a commotion and outcry of a large number of men—"all yelled at once." These men got there between the drawing of the pistol and the shooting.

Spiller robbed Spencer of the confidence of the Japs. He poisoned them against him, said Mr. Kinney, adding, dramatically: Against such a snake in the grass what could he do? Before God, Spiller is the murderer of those men on Laysan island. He may be free from the law of that crime, but morally and before God he is guilty of murder.

Mr. Chillingworth followed in a short review of Captain Spencer's character, said he would have been murdered had he not done as he did, and, concluding, said: This venerable, gray-haired man is not here pleading for mercy, but for justice. He ought to be allowed to leave here a free man, absolved of all crime.

High Sheriff Brown spoke for the prosecution in a frank, fair manner and without bitterness. He said that under section 45 of the act of 1898 a jury could, in a murder case, find murder in the first degree, manslaughter or assault and battery. By analogy, he thought, a district magistrate could do what a jury might do—that he could commit for a lesser offense.

The judge had failed to find any warrant in law for such a course.

The high sheriff contended that the greater included the lesser crime.

"That being so, why was it necessary in 1898 to pass a law for assault and battery?" asked the judge.

This brought Attorney General Dole to his feet, with a contention that the magistrate could hold for murder or manslaughter.

The Judge—My duty is to find upon the charge.

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